



CONFIDENTIAL - ATTORNEYS' EYES ONLY

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VOLUME: I  
PAGES: 1-191  
EXHIBITS: 115-132

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

----- X  
GEN-PROBE INCORPORATED,  
Plaintiff,  
v. C.A. No.  
VYSIS, INC., 99CV2668 H (AJB)  
Defendant.

----- X  
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DEPOSITION of JAMES C. RICHARDS  
March 30, 2001  
9:51 a.m.  
Westin Hotel  
70 Third Avenue  
Waltham, Massachusetts

Reporter: Michael D. O'Connor, RPR

Ex. 6 Pg. 65

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1 Gene-Trak deal.

2 Q. Do you remember that the first article  
3 on PCR was published in "Nature" in about  
4 December, 1985?

5 A. No, I don't remember that.

6 Q. When the first article describing PCR  
7 was published, was it big news?

8 A. Yes.

9 Q. After that article was published, did  
10 other people in the industry outside Cetus begin  
11 looking for alternative ways to do the same  
12 thing?

13 MR. BANKS: Objection to form.

14 A. Do I know if they were?

15 Q. Right.

16 A. I don't know.

17 Q. Do you know whether Amoco started to  
18 think about what it could do that would be  
19 similar to PCR?

20 A. Amoco owned 25 percent of Cetus at  
21 that time, and discussions were running around  
22 should we take a license to this, because we  
23 owned 25 percent of the company, and that was  
24 the extent of the discussion, and that was way

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1 A. Vaguely, yes.

2 Q. Did Gene-Trak ever negotiate for a PCR  
3 license?

4 A. We are back too column 1?

5 Q. Yes.

6 A. Yes. Negotiate. We talked to the  
7 owners.

8 Q. Did Gene-Trak ever take a PCR license?

9 A. No.

10 Q. Why?

11 A. Couldn't get it. They wouldn't grant  
12 it.

13 Q. So Gene-Trak sought a license from  
14 Cetus, but Cetus wouldn't give you one?

15 A. Correct.

16 Q. Did Gene-Trak ever seek a license from  
17 Stanford of the polymerase method being  
18 developed at Stanford while you were there?

19 A. I don't remember.

20 Q. The fourth method of amplification  
21 described or summarized on this chart is a  
22 nonspecific primer method. Do you see that?

23 A. Yes.

24 Q. And the owner of that method is